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Malaysia

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I. Introduction

1. Malaysia underwent its second Universal Periodic Review (UPR) on 24th October 2013 during the 17th Session of the Working Group (WG) on the UPR of the Human Rights Council (HRC). During the session, a total of 232 recommendations were addressed to Malaysia, out of which 150 recommendations were accepted. 113 recommendations were accepted outright; 22 recommendations were accepted in principle; and 15 recommendations were accepted in part.[1]

2. The National Report represents the development of human rights situation in Malaysia for the period under review i.e. November 2013–March 2018. It focuses on the follow-up on the outcome of the 2nd UPR which comprises efforts taken by the Government in implementing the accepted recommendations, as well as the challenges faced in the promotion and protection of human rights.

II. Methodology and consultation process

3. The Human Rights and Humanities Division of the Multilateral Affairs Department at the Ministry of Foreign Affairs was tasked to coordinate and prepare the national report[2]. The preparation process was carried out through a national mechanism approach which was established to monitor the implementation of the recommendation. This mechanism included regular engagements and consultations with the relevant government ministries and agencies from April 2014 to May 2018. For effective assessment of the status of implementation, all the accepted recommendations were grouped into 7 Clusters.

4. As a Government which seriously takes into consideration the comments and views from stakeholders on human rights, a series of consultation sessions were held with partners and stakeholders including Civil Society Organisations (CSOs) and Malaysia's National Human Rights Commission (SUHAKAM).

5. The Government appreciates the nature of the constructive approach in the UPR mechanism in the course of promotion and protection of human rights in the country. Malaysia wishes to express its gratitude towards the UN member states that had proposed recommendations during the second review and reaffirm its commitment to engage constructively in the UPR process.

6. That said, Malaysia accepts the need to continuously monitor and track the implementation of those accepted recommendations to ensure that it fulfils its international obligations in promoting and protecting the human rights for all Malaysians.

III. Implementation of accepted recommendations

A. International obligations

Submission of report on CEDAW and CRPD
(Recommendation 37)

7. Malaysia looks forward to cooperating closely with all international bodies, including the human rights treaty bodies for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). Malaysia's periodic report on the implementation of CEDAW was submitted in August 2016 and was presented on 20 February 2018 in Geneva. The reports highlighted women's progress in relation to education, health, economy, politics and law in Malaysia. The relevant Ministry is finalizing the CRPD report and will submit it accordingly.

Cooperation with international mechanisms
(Recommendations 38, 39, 44, 45)

8. As a Member State of the UN, Malaysia believes that engagement with the Special Procedures of the HRC would contribute positively to its ongoing efforts to promote and protect human rights. Thus far, Malaysia has received 8 visits from thematic Special Procedures.[3]

9. In the later part of the year, Malaysia will be receiving visits from the Special Rapporteur (SR) on the sale and sexual exploitation of children (September) and the SR on the human rights to safe drinking water and sanitation (November). The Government has also agreed to extend an invitation to the SR on the rights of indigenous peoples and SR on extreme poverty and human rights to undertake a country visit to Malaysia in 2019.

Ratification to international human rights instruments
(Recommendations 1, 5, 9, 11, 20, 22, 23, 24)

10. Although Malaysia is not a State Party to the remaining six international human rights instruments, the Government remains committed towards ensuring that Malaysia's legislative framework complies with the fundamental principles expounded in the core Conventions.

11. The accession to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and International Convention on the Elimination of All Forms of Racial Discrimination by Malaysia can only be carried out after a clear policy direction is made followed by amendments to key provisions of the Federal Constitution of Malaysia (the Constitution), while the discussion on the accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance will be initiated with relevant ministries and stakeholders.

12. As any accession to a treaty is the sovereign right of the State, Malaysia will only decide on the possible accession when the relevant policies, administrative and operational procedures as well as the domestic legal framework are in place to ensure full compliance with international obligations. The Interagency Standing Committee is studying the feasibility of Malaysia acceding to the remaining six human rights instruments.

Accession to the Rome Statute of the International Criminal Court (Rome Statute)
(Recommendations 14, 26, 27)

13. The possibility of accession to the Rome Statute needs to be considered carefully as it will involve amendments to the country's Constitution and other relevant legislation in order to ensure full compliance with the obligations stipulated in the Rome Statute. Presently, although Malaysia does not have any specific legislation providing for the crimes specified in the Rome Statute, these acts are criminalised to a certain extent as ordinary crimes under the Penal Code and various other Malaysian laws.

Accession to the Optional Protocols to the CRC
(Recommendation 7)

14. Malaysia acceded to the First and Second Optional Protocols (OP) to the Convention on the Rights of the Child (CRC) on 12 April 2012. Malaysia has in place adequate legislative, administrative and policy framework to cater for the protection and needs of children and the promotion of their physical, mental intellectual and emotional development. The enactment of the Child Act 2001 has provided for child protection and development in line with the CRC. Therefore, while not acceding to the Third OP to the CRC on a Communication Procedure, Malaysia firmly believes that Malaysia has adequate mechanism and procedures in place to deal with child issues. Nonetheless, Malaysia will continue to assess the necessity to accede the OP.

15. Notwithstanding that, Malaysia's legal system provides an avenue of recourse for all children whose rights under the CRC are breached.

B. Civil and political rights

Promotion and protection of civil and political rights in general (Recommendation 61)

16. The Government continues to take various measures in terms of policy decisions and legislation to achieve a balance in terms of securing economic, social and cultural rights and that of civil and political rights. Since 2013, the Government has repealed the Emergency (Public Order and Prevention of Crime) Ordinance 1969 as part of its continuous efforts to achieve the balance.

Death penalty (Recommendations 106, 105, 107,116)

17. Section 39B of the Dangerous Drugs Act 1952 was amended by abolishing the mandatory death penalty for the offence of drug trafficking. The amendment which came into force on 15 March 2018 gives discretion to the Court in terms of sentencing, whereby the Court has the option to either impose the death penalty or life imprisonment based on the facts and circumstances of each case.

Right to fair trial (Recommendation 147)

18. In Malaysia, every detainee is guaranteed the right to a fair trial. For cases to be tried in court, the detainee has various rights such as the right to appoint a lawyer of his/her choice. Any conviction at the trial court level may be appealed to the higher courts as entrenched in the Criminal Procedure Code.

Rights to freedom of assembly (Recommendations 163,164)

19. The Government will continue its relentless efforts to ensure the enjoyment of the rights to freedom of peaceful assembly as enshrined in Article 10 of the Constitution through the implementation of the Peaceful Assembly Act 2012 (PAA). The Government is also committed to the promotion and protection of these rights so long as it is in accordance with existing domestic laws. Throughout the period of 2013–2017, the Government had approved 25,901 public assemblies out of the 26,685 applications submitted, which amounts to 97.1% of approval percentage.

General elections (Recommendation 170)

20. All investigations regarding applications on the conduct of elections by the Election Commission (EC) and other relevant authorities are done in accordance with domestic laws within the specified time period. For the aggrieved party, there are avenues of redress available under the relevant laws.

21. A petition to challenge the result of the elections can be made to the High Court to determine whether the election was conducted accordingly by the EC. Article 118 of the Constitution provides an avenue for any qualified citizen to challenge the election results. Election petition must be presented to the High Court within 21 days after the result is gazetted, either by the candidate, his/her election agent or a registered voter in the constituency.

22. Every election petition shall be tried by the Election Judge[4] within 6 months from the date of the presentation of the election petition. Appeal against the determination of an Election Judge can be presented to the Federal Court within 14 days from the date of the determination, which will be settled within 6 months. The decision of the Federal Court is final.

Sedition Act
(Recommendations 48, 49)

23. The Government is in the midst of conducting consultations with the relevant ministries and agencies to review the Sedition Act.

Adherence to human rights during enforcement operations
(Recommendation 77)

24. Elements pertaining to the use of force and strict adherence to human rights standards have been incorporated in the training of law enforcement agencies. These elements are also stated in their respective Standard Operating Procedures (SOP).

Protection of the rights of minorities
(Recommendations 97,153,155)

25. The Government organised programmes to further strengthen inter-racial and inter-religious interaction and respect among the various religions and ethnic groups based on the provisions stipulated in the Constitution. To that end, through the cooperation between religious and race-based organisations, ministries, agencies and local universities, interfaith dialogues were organised at the local, regional and international levels.

26. While the Constitution clearly states that Islam is the official religion of the country, the right to profess and to practise any religion is also clearly stated in the Constitution. For that reason, the Government is firmly committed to establish a culture of tolerance and harmony in order to better promote the well-being of humankind as the main factor in preserving Malaysia's peace and harmony. Insulting any religion is considered to be a criminal offence and is punishable under Malaysian laws.

Initiative to prevent torture
(Recommendations 76,125)

27. All forms of ill-treatment including torture are strictly prohibited in Malaysia. In this connection, elements pertaining to the use of force, treatment and strict adherence to human rights standards have been incorporated within the training of law enforcement officials in the relevant SOPs. The Inspector General of Police had issued an SOP to this end including on Security Offences (Special Measures) Act 2012 and the facilitation of peaceful assemblies under the PAA.

28. Although Malaysia is not a signatory to the UNCAT, the Government does not condone any form of torture. The Penal Code criminalizes acts which may be deemed as torture and causing hurt. Besides the Penal Code, litigants may also file a civil suit due to torture for civil remedy.

29. SUHAKAM also conducted seminars, workshops and training activities as part of its awareness programme and provided education related to human rights to enforcement agencies based on the Human Rights Commission of Malaysia Act 1999.

Freedom of expression
(Recommendations 160,169)

30. Generally, journalists and bloggers in Malaysia are free to exercise their right to freedom of expression. Freedom of opinion and expression is enshrined in Article 10 of the Constitution. The Government is also committed to ensuring that all citizens enjoy their fundamental liberties so long as it does not impinge on the exercise of the rights of others.

31. The public space for Malaysians has increased with the advent of the internet and social media. Nonetheless, in reporting news or publishing articles, online news portals, blogs and social media platforms have to ensure that the information they have made available online is accurate, not designed to mislead, and does not breach the laws of the country.

32. The newly formed Government is currently reviewing the Printing Presses and Publications Act, which has been seen to be a tool to muzzle the media and limit access to

information. In addition to this, the Government is in the midst of establishing a Media Council with the participation from relevant parties with a view to establish an independent media regulatory body.

Judicial reform and detention
(Recommendation 127,148)

33. The Malaysian Judiciary has embarked on the restructuring of the Court System to expedite the disposal of cases and to strengthen the independence of the judiciary. The Malaysian Judiciary also introduced the e-Court system (case management system, court recording transcription and e-filling) to ease the management of the court files and set up a Key Performance Index for disposal of cases which the Courts are required to meet every month to ensure that cases be heard and disposed of within the stipulated timeframe. To this end, the Judiciary has also received international recognition[5] for its efforts.

34. A supporting mechanism in ensuring judiciary independence is having a Judges' Ethics Committee that carries out inquiry into complaints against judges on breaches of the Judges' Code of Ethics. Article 125 of the Constitution states that the judge may be removed on the ground of any breach of any provision of this Code.

35. All arrests and detentions made are in compliance with laws and regulations as well as acceptable human rights standards. The Constitution provides that every arrested person or detainee shall be informed of the ground of his arrest and is allowed to legal representation of his choice.

36. Malaysian authorities are committed to ensuring that its prison facilities are in good condition and in compliance with international standards including the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Bangkok Rules.

C. Economic, social and cultural rights, and the rights of indigenous peoples

37. The Government is striving to achieve sustainable development by balancing the development growth of both urban and rural areas through the 10th and 11th Malaysia Plan (MP) and the Government Transformation Programme (GTP).[6]

38. During the implementation of the 10th MP from 2011 to 2015, the Government invested significant resources to enhance the wellbeing of the people. Improvements in the healthcare sector led to an increase in life expectancy, decrease in infant and maternal mortality rates, and improvements in access to healthcare services. Housing programmes improved affordability for both low and middle income households and guidelines were developed to create more conducive living environments.

39. Similarly, in the 11th MP (2016–2020), wellbeing remains a priority with improvements in the healthcare sector focusing on addressing underserved populations, improving the health system delivery to enhance efficiency and effectiveness, and intensifying collaboration with the private sector and non-governmental organisations (NGOs). Apart from these, housing support[7] will be maintained for the poor, low and middle-income households, including youths and newlyweds.

Promoting social and economic rights
(Recommendations 62, 63, 64, 173)

40. In the 10th MP, the Government focused on uplifting the standard of living of all Malaysians, especially the bottom 40% (B40) households. The strategies implemented were:

(a) increasing access to capacity and capability building programmes and education;

(b) increasing income generation potential through entrepreneurship;

(c) strengthening access to basic amenities; and

(d) implementation of specific programmes for special target groups such as the indigenous people in Sabah and Sarawak.

41. In strengthening the national development programme, the 11th MP promotes four main thrusts namely: i. enhancing inclusiveness towards equitable society; ii. improving well being for all; iii. accelerating human capital development towards enhanced nation; and iv. re-engineering economic growth for greater prosperity.

Addressing income inequality and poverty eradication, inclusive of the indigenous peoples
(Recommendations 79, 80, 81, 82, 83, 84, 85, 86, 214, 215, 216)

42. Malaysia has re-categorised its poverty eradication programme[8] by expanding the target group to include households which fall within the B40 of the lowest income group.

43. In this connection, the Government identified several strategies under Chapter 3 of the 11th MP i.e. Enhancing Inclusiveness towards Equitable Society. These strategies included:

(a) Raising the income of B40;

(b) Enhancing Bumiputera Economic Community;

(c) Empowering minority groups; and

(d) Addressing the needs of special groups.

44. The implementation of social protection programmes across agencies were coordinated under a central council to increase efficiency, supported by strong linkages of existing databases. The targeting of assistance recipients were also refined to be more need-based with consideration on demographic and geographical factors.

45. The Government had also introduced the Fair Price Shop Programme whereby consumer goods are sold at reasonable and competitive prices without compromising on the quality.

46. The 11th MP focuses on improving the quality of life of the indigenous people through income generating activities, providing modern infrastructure in traditional settlement, education opportunities and medical assistance, thus addressing concerns of the vulnerable and disadvantaged groups.

47. Other programmes included economic related activities, resettlement initiatives, infrastructure facilities, electricity and treated water supply. One of the resettlement initiatives i.e. the Integrated Village Development Project in Perak comprised facilities such as schools, community halls and other social amenities in one area.

48. The Government provided support to increase awareness on the importance of education among the indigenous community. One such programme, the Student Excellence Programme is designed specifically to cater to indigenous children to improve their level of education. To encourage more indigenous children to attend secondary school, the Government provided assistance in terms of transportation and pocket money. A special scholarship programme was also created to increase the number of indigenous students to continue their education to tertiary level, including at overseas institutions.

49. To enhance the skills[9] of the indigenous people, the Government provided additional training programme for marketing and setting-up small businesses such as packaging, labelling, marketing, including online platform and also soft-skills in basic accounting and business management. The trainees were provided with an allowance, meal and accommodation for the duration of the course.

50. The community's economic potentials were identified and developed through programmes such as agriculture, tourism and entrepreneurship expertise. Among others, the Government introduced income-generating programmes and other commercial agricultural activities, such as commercial oil palm and rubber to further spur their socio-economic advancement.

51. For the people of Sabah and Sarawak, the 11th MP[10] emphasised on raising the income of all, reducing income disparity in the States, improving rural basic infrastructure, and introducing various programmes to create economic opportunities.

52. One of the people centric programmes that was carried out under the *Program Khas Anak Negeri* (PKAN) Sabah and *Program Khas Bumiputera* (PKB) Sarawak was the Native Customary Right Land Survey Programme.[11] The objective of the programme was to safeguard and protect the rights of the natives in Sabah and Sarawak with the aim to increase land ownership by the natives. Lands that have been surveyed will be developed with crops such as rubber and palm oil in order to uplift the socio-economic wellbeing of the natives in both States.

53. The Government also developed the Rural Transformation Centre (RTC), Mini RTC and the Rural Service Centres in remote areas in Sarawak for the Penan peoples. All of these facilities were built at strategic locations to provide basic and essential facilities, a place for the community to gather and socialise and encourage a more coordinated way to implement programmes among government agencies.

54. Malaysia also continuously shares its experiences in poverty eradication and the eKasih database through its involvement in various international meetings, fora and conferences such as the Association of Southeast Asian Nations (ASEAN); the United Nations Economic and Social Commission for Asia and the Pacific; the ASEAN Ministers Rural Development and Poverty Eradication; African-Asian Rural Development Organisation; and Centre on Integrated Rural Development for Asia and the Pacific.

Improving access to social services
(Recommendations 171,172,176,186,187)

55. The wellbeing of the people is of paramount importance with emphasis on healthcare services, public security, affordable housing, social integration, and sports under the 10th and 11th MP.[12]

56. The Government introduced affordable rental housing programmes for youths in urban areas and the Second-Generation Housing Scheme for youths in the rural areas. Under the Second-Generation Housing Scheme, the Government subsidises 30% from the total price of RM65,000 to RM150,000 per house.

57. The Government also created outreach programmes to encourage civil registration especially in rural and remote areas with the aim to facilitate access to social services. The implementation of the MyDaftar programme by the National Registration Department (NRD) has helped those without documents. A total of 227,481 applications in 8,412 separate outreach programmes were facilitated by the NRD from 2012 to 2017.

58. In support for Special Educational Needs (SEN) children, the Special Education Services Centre provided interventions for students undergoing full or partial inclusive programmes in schools across the nation. The support services included assessment of the student's level of performance and abilities, intervention plan to help increase learning potential and well-being of SEN students as well as consultation with students and teachers on SEN management related issues.

Improving access to health care services
(Recommendations 177,178,179,180,181,182,183,184,188,189,190)

59. Malaysia continuously takes action to improve coverage and accessibility to health care based on population health needs. This is carried out including through the 11th MP which is aligned with the Sustainable Development Goal (SDG) 3 and other health related goals for 2016-2020 in support of the Universal Health Coverage.[13]

60. The Ministry of Health (MOH) delivers services to its population through a network of static clinics and hospitals complemented by mobile services by land, water and air such as the Flying Doctor Service and innovative strategies to improve access to urban and rural areas.[14]

61. The Government introduced the *Program Komuniti Sihat Pembina Negara* which empowers members of the community to carry out and practise healthy diets and behaviours. Health promotion programmes for communicable diseases were expanded, including the Communication for Behavioural Impact Programme, aimed to mitigate the risk of dengue.

62. Non-citizens also have access to public health services at a specified rate. Foreign Workers Health Insurance Protection Scheme is a mandatory insurance scheme for documented foreign workers covering in-patient services at government hospitals.

63. Through the Home-Help Services, the welfare of the community is promoted through activities and support for vulnerable groups (senior citizens, persons with disabilities (PWDs) and single mothers). Holistic health and social supports were provided with the aim to increase access to health services, early detection and treatment of health problems and to empower families and communities to help and care for these groups.[15]

64. Malaysia acknowledges that training of healthcare providers such as long term training of pre-service and in-service healthcare human capital, including medical specialists, dentists, pharmacists, nurses and allied health sciences officers is an important element in providing quality health care services. Throughout the year of 2013–2018, RM 1.506 billion was allocated for such training to 66,661 personnel.

65. The Government also collaborated with local and foreign universities to increase the workforce of its medical specialists in the health sector. In 2017, a new specialist training programme, in collaboration with the Royal College of Surgeon, UK began to complement existing local medical specialist training.

66. The Government provided services on family planning, reproductive health services and parenting skills through its one-stop family centres, clinics and mobile services to cover both urban and rural population. The National Population and Family Development Board (LPPKN) also implemented outreach programmes in urban and rural areas in order to attain its target population through its mobile services.[16]

67. Maternal mortality ratio in Malaysia currently stands at 29.1 per 100,000 live births (as of 2016). Confidential Enquiry to Maternal Death showed an increasing trend of deaths due to existing medical associated conditions. Based on this finding, pre-pregnancy care was implemented as an early intervention for women with medical conditions and significant obstetric complication in previous pregnancies.

68. In strengthening the Sexual Reproductive Health services for adolescents, the Government developed a National Guideline on Management of Adolescent Sexual Reproductive Health Problems for health care providers that took into consideration the legal, ethical, socio cultural and religious perspectives. The areas covered were management of teenage pregnancy and request for abortion, management of abuse, sexually transmitted infections and contraceptive services.

69. Regular trainings were conducted annually and the trend of new antenatal cases among adolescents registered at government primary health care facilities decreased from 18,652 (2011) to 9,617 (2017).

70. Through multi-sectoral and high impact programmes outlined in the series of National Strategic Plans, Malaysia achieved the Millennium Development Goals target that halved HIV infections between 2002 until 2015. Moving on to achieve the SDG target, Malaysia is set to embark on fast track and long-term responses to end AIDS in 2030 as outlined in the country's National Strategic Plan for Ending AIDS 2016-2030 (NSPEA).[17]

71. Currently, all government health facilities[18] are providing free HIV screening facilities. In 2017, more than 50,000 people accessed government facilities for voluntary HIV screening. The annual number of newly reported HIV cases has been on a steady decline from 6,978 in 2002 to 3,347 in 2017. Similarly, there has been a decline in the number of AIDS–related deaths and this is directly attributed to the introduction of more affordable and accessible first and second line antiretroviral treatment.

72. Malaysia continuously shares experts' knowledge and skills with other countries and conducts study visits/training programmes in Malaysia in collaboration with the World

Health Organisation (WHO). Malaysia also shares best practices at regional and international platforms.

Improving access to education
(Recommendations 191,192,193,194,195,196,197,198,199, 200, 201, 202, 228)

73. Malaysia continues to provide quality education to all in a holistic manner. The Government has aligned all initiatives in the Malaysia Education Blueprint (MEB) 2013-2025 to the SDG 4 strategies and the 11th MP. Malaysia strives to ensure universal access and full enrolment from pre-school to upper secondary school level by 2020 by developing attractive and viable education pathways for all children. There is no gender discrimination in terms of legislation, policy, mechanisms, structures or allocation of resources. In addition to this, efforts to improve the access to education have been made through various initiatives.[19]

74. The Malaysian education system embarked on a comprehensive transformation programme through MEB over a period of 13 years (2013-2025). In 2017, the number of public pre-schools was 6,096 nationwide while the enrolment for pre-schools in 2017 was 204,105. The Government continuously encouraged and supported private pre-school providers to open more pre-schools especially in rural areas to increase children's access to early childhood education. The Gross Enrolment Rate for primary education was at 97.9% whilst for the secondary education was at 91.3% in 2017.

75. Greater opportunities have also been provided to SEN students. The proportion of SEN students in inclusive education increased to 40.88% in 2017. The enrolment of *Orang Asli* students has also increased to 38,834 in 2017.

76. The Government also strengthened Sports Schools to develop the nation's future athletes, Arts Schools to develop artistic talents among youth and the K9 Comprehensive School to address illiteracy and dropouts among *Orang Asli* and the natives of Sabah and Sarawak.

77. *Sekolah Bimbingan Jalinan Kasih* (SBJK) started its operation in 2013 to provide access to formal education in a safe environment to marginalise street children with the aim to ensure these children continue their education besides protecting them from various social vices. Poor Students Trust Funds and scholarships were extended as financial assistance for students from low income families.

78. The Government also provided support for Lifelong Learning through the establishment of community colleges and open universities to encourage continuous learning. The enrolment in 2017 was 506,557 compared to 501,896 in 2016. Additionally, in providing the right environment for students to develop skills in communication, collaboration, creativity and critical thinking, most schools were equipped with internet connectivity.

79. The Government had also identified initiatives to further improve the teaching profession. The Government prepared long term demand and supply of teachers for schools nationally to ensure adequate teachers were trained for all schools, especially for placements in rural and remote areas.

80. The Government also developed standard guidelines for teachers i.e. the Continuous Professional Development Master Plan, the Performance Standard, and the Job Description to maintain the high standard of teaching professionalism. The Malaysian Teacher Education Curriculum was also developed in tandem with global education policies to address the changing landscape of higher education and future opportunities, regardless of gender. Teachers were equipped with the pedagogy to accommodate teaching and learning processes with the different levels of students' abilities and learning styles.

81. In order to promote literacy and access to education for all, the Government allowed other organisations to implement alternative education programmes.

82. Under the Alternative Education Policy (AEP), non-citizen children are allowed to enrol into Alternative Learning Centres (ALCs) operated by private organisations or NGOs. AEP allows, on humanitarian grounds, private organisations and NGOs to set-up

Community Learning Centres to provide access to education to non-citizen children of documented migrant workers in plantation areas in Sabah and Sarawak.

83. The Government also participated in dialogues and conferences on mainstreaming the rights to education in the ASEAN community, highlighting cross cutting issues and creating platforms to strengthen regional cooperation on education and human rights. The Government cooperated with international bodies in the sharing of experiences and lessons learnt in areas of rights to education and was involved in various international platforms to provide recommendations on how to improve the SDG 4 targets for inclusive and equitable education.

84. The Government focused on increasing the attendance rate in schools for *Orang Asli* and the natives of Sabah and Sarawak and initiatives were carried out to ensure the indigenous peoples receive quality education relevant to their needs. To date, there are 93 public primary schools exclusively for the *Orang Asli*. The provision of appropriate and holistic education programmes had successfully raised the attendance and the transition rates of the indigenous peoples. As of 2018, 8 K9 schools are in operation nationwide. Four K9 schools offer Basic Vocational Education to enable the indigenous students to receive the Malaysian Skills Certificate and continue to higher levels of certifications in vocational colleges.

85. The Government also established a programme to encourage *Orang Asli* children who have completed their primary school education to continue their education to secondary school. Under this programme, the Government provided financial assistance and transportation to reduce the dropout rate in secondary schools.

D. Women, children and persons with disabilities

Promotion and empowerment of the rights of women and its awareness towards gender equality
(Recommendations 65, 66, 67, 68, 69, 70, 94, 95, 96)

86. The Government is cognizant of its international obligations as a signatory to CEDAW and the pledges made to the implementation of the Beijing Platform for Action and continues its commitment to ensure Malaysian women and girls have equal opportunity at all levels.

87. The Women's Advisory and Consultative Council was established in August 2015 to empower women in line with the National Policy on Women and its Plan of Action for the Advancement of Women. The Council is assisted by 5 Working Committees based on the 5 strategic clusters (health, safety, economy, culture and education) of the Women Empowerment Year 2018.

88. Malaysia has exceeded the 30% target by having 35.8% of women in decision making positions in the public sector. However, in the corporate sector for public and private-listed companies in 2016, it is 29.9%. From 2012–2017, 1,051 competent women candidates also underwent the Women Directors Training Programme which included board readiness assessment and training on technical and soft skills to ensure continuous availability of qualified women for the corporate sector. As of 30 September 2017, women made up 19.7% of the board of directors in the top 100 public listed companies by market capitalization listed in Bursa Malaysia compared to the 18.0% target set by the Government.

89. Under the 11th MP, women empowerment continued to be a priority whereby programmes were held to increase female labour participation rate from 54.3% in 2016 to 59% in 2020. Such measures were in line with the strategy to transform Malaysia into a high income nation by 2020 under the Economic Transformation Programme.

90. The Government had also undertaken several economic empowerment programmes for vulnerable women, especially those in the B40, single mothers, widows, and indigenous groups. Among the programmes implemented involved start-up of business through Development of Women Entrepreneurs programme and capacity building for small and

medium enterprises as well as Entrepreneurs Assistance Programme specifically for indigenous women. In addition, indigenous women were given training under the Skills and Career Training Programme to enhance their skills to earn a better income and improve their standard of living. Skills trainings were also conducted for rural women.

91. Under the national Budget 2018, the Government listed 4 measures to elevate the role of women in the country i.e. by making it compulsory by the end of 2018 for government-linked companies, government-linked investment companies and statutory bodies to ensure that at least 30% of their board of directors are women; to increase maternity leave from the current 60 days to 90 days in the private sector; allocation of RM 20 million for training and entrepreneurship programmes for women; and an individual tax exemption for women who opt to return to work after being out of the job market.

Promotion and protection of the rights of children
(Recommendations 71, 72, 73, 149, 150, 151, 230)

92. The Government is acutely aware of its responsibility in ensuring the physical, emotional, safety and welfare of children. To this end, the Government implemented the Wise Kid Save and Protect Campaign in 2014 to disseminate information related to the safety of children and create awareness amongst children in school.

93. Regarding the registration of all newborn children, the Births and Deaths Registration Act 1957, Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123) and Registration of Birtns and Deaths Ordinance 1951 (Sarawak Cap.10) stipulates that all children born in Malaysia, regardless of the nationality or the legal status of their parents, have access to formal birth registration procedures and birth certificates. It is also imperative to highlight that the existing laws empower qualified informants to furnish information to the Registrar concerning the birth.

94. The Government, through the NRD, embarked on several programmes to encourage registration of births including Integrated Birth Registration System with major hospitals across the country. This initiative allows details of births to be collected on-site at the hospital, which is linked online to the NRD. This would facilitate registrars in following-up with late cases of birth certificate application. Additionally, the NRD established the Mobile Registration Teams who travel to provide access to birth registrations in remote areas nationwide. The NRD had also set up offices at RTC to expedite registration of births in rural towns.

95. With regard to the protection of children, under the Child Act 2001, Courts For Children were established to hear all cases involving children in conflict with the law (except those accused of crimes that are punishable with death, where a child is co-accused with an adult, or where a child has turned 18 years of age before being formally charged). Each Court is presided by a Magistrate and assisted by 2 advisers, one of whom must be a woman, to advise the Court with respect to any consideration affecting the order made upon the child. Proceedings of the Court are held behind closed doors except for members and officers of the Court, the child and his/her parents/guardians, advocates, witnesses and other persons directly concerned with the case. The Court also requires the attendance of the child's parent/guardian at all stages of the proceedings unless it is unreasonable to do so or not in the best interest of the child.

96. The Sexual Offences against Children Act 2017 that came into force on 10 July 2017 provides for certain offences and their punishment in addition to sexual offences against children in other written laws. These sexual offences include child pornography, child grooming and sexual assault. Under the law, the offenders could face imprisonment up to 30 years and whipping. Following the passing of the Sexual Offences against Children Act 2017, a special criminal court on sexual crimes against children was established on 22 June 2017. The court is equipped with child-friendly facilities and there are specialised judicial and legal officials to expedite the hearing of such cases.

97. The Evidence of Child Witness Act 2007, was enacted to protect child witnesses by incorporating child-friendly procedures during the court process to reduce trauma experienced by these child witnesses by, enabling a child witness to give evidence in the courtroom but shielded by a screen between him and the person charged with the offence.

or alternatively, by live link or by video recording. The Court may allow a child witness to be accompanied by an adult while giving evidence in any proceedings subject to certain specified conditions. In addition to the aforesaid, the Government is continuing its previous policies such as the National Child Policy and National Child Protection Policy.

98. In collaboration with the United Nations Children's Fund, the Government established a Child Care and Child Protection Unit to develop the competency of the Child Protection Officers based on international best practices comprising care, safety and protection of children with the support from parents, guardians and family members. The Unit has also been established at all District Social Welfare Offices.

99. With regard to marriage, the minimum age for non-Muslim marriages and Muslim marriages is provided for under different laws.[20]

100. The Government does not condone forced marriages. Section 22(6) of LRA provides that no marriages shall be solemnized unless the Registrar is satisfied that both the parties to the marriage freely consent to the marriage while Section 37[21] provides the penalty for any person who uses any force or threat to compel a person to marry against his/her will.

101. In its effort to address child marriage, the Government established the Child Marriage Task Force under the Coordinating Council for the Protection of Children. The task force consists of relevant government agencies, academics and activists to identify related issues in child marriage. The task force had proposed for the production of medical reports and social reports to be considered by Syariah Judges and the Chief Minister as well as the indigenous chief before approving a child marriage application.

Strengthening the protection of women from violence
(Recommendations 128,130)

102. Various efforts had been taken to further protect women's rights with regard to domestic violence. For example, the Penal Code was amended in 2013 to provide greater deterrence to domestic and sexual related offences. Stiffer punishments are meted out to those found guilty of sexual offences, spousal abuse under amendments to the Penal Code.

103. Furthermore, in the Plan of Action on the Advancement of Women, violence against women has been listed as one of the 13 key sectors by the Government. In addition to this, other measures includes amending the relevant legislation such as the Penal Code, Employment Act 1955 and Domestic Violence Act 1994 and creating awareness on the importance of addressing issues of violence against women.

104. Section 375A of the Penal Code mainly intends to further strengthen legal protection for wives by making it an offence for a husband to cause hurt to his wife in order to have sexual intercourse, although the term "marital rape" is not explicitly stipulated in the provision. Apart from section 375A, there are other existing provisions in the Penal Code which can be resorted to by wives, depending on the facts of the case. Among others, a husband can always be charged for an offence of causing injury with punishment for up to 20 years imprisonment. Such a punishment is generally similar for rape, and significantly higher than other countries that make specific provision for "marital rape".

105. Therefore, although the form of law on "marital rape" in Malaysia may be different from other jurisdictions, the above legal provisions prove that Malaysia, in substance, pays due attention to the issue of "marital rape" and is committed to provide sufficient protection for victims.

Maternal and adolescent care
(Recommendations 175, 185, 229)

106. Malaysia continues to improve access and quality of care for maternal and child health services by expanding health care facilities in rural and urban areas. In addition to hospitals and static clinics, there are also mobile health services meant for outpatient, maternal and child. These initiatives have made it possible for access to professional care during pregnancy and childbirth and access to quality family planning services and information.

107. In addressing the issue of children without proper parental care, the Government has always upheld the concept of family-based care as a way of raising children. This concept is upheld within the Child Act 2001 through care and protection and protection and rehabilitation orders. Such concept gives priority to the Courts For Children to provide placement order to a reliable family member, relative, fit and proper person or centre to ensure family-based care is provided to the child.

108. In easing the burden of working mothers, the Government has provided allocation for the establishment of childcare centres at government workplaces and tax exemption incentives to set up child care centres at workplaces in the private sector. A monthly child care fee subsidy of more than RM180 for each child of parents with a household income below RM5, 000 per month in the public sector is also provided.

109. Working women in Malaysia are entitled to maternity leave of 60 consecutive days as stipulated by the Employment Act 1955. Several amendments have been enacted to allow for the extension of maternity leave, allowing pregnant women (at least 22 weeks) to enjoy paid maternity leave which is in line with the provisions of WHO. Female employees also cannot be terminated during the period of maternity leave.

110. Government officers who give birth are entitled to full paid maternity leave up to 360 days throughout the period of her service. Seven days of paternity leave is also granted to government officers.

111. Malaysia continued its effort to strengthen pre-pregnancy care services by educating women with chronic diseases to optimise their health before embarking on pregnancy and ensuring more choices of family planning methods were made available.

Rights of persons with disabilities
(Recommendations 204, 205, 206, 207, 208)

112. The National Council for Persons with Disabilities (MKBOKU) formed 6 committees focusing on specific areas namely Education; Transportation; Quality Life Care; Employment; Registration of PWDs; and Universal Design and Build Environment.

113. There were four scope of programmes developed by the Employment Committee with the overall aim of increasing PWDs participation in the workforce. The scope of programme included Job-Coach Programme, Economic Empowerment Programme, Business Enhancement Assistance Scheme and PWD Talent Enhancement Programme.

114. A "Job Coach" Programme was created with the aim to promote the participation of PWDs in the community by providing employment to create awareness and understanding among the society. The programme focused on the development of training modules, training for coaches for Disability Equality Training and Job Coach.

115. To encourage self-employment among PWDs, the Government introduced the Economic Empowerment Programme through skills development programme. An Industrial Training and Rehabilitation Centre was also established to provide services to PWDs through vocational training and medical rehabilitation.

116. Under the Business Enhancement Assistance Scheme (BEAS) introduced in 2007, the scheme assists PWDs entrepreneurs to enhance their businesses and simultaneously provide employment opportunities to other PWDs. BEAS acts as a tool to empower and transform disabled business owners to be financially independent, to stay competitive in the business market and provide employment opportunities to other PWDs.

117. Additionally, the Government through the Human Resources Development Fund initiated the OKU Talent Enhancement Programme in 2016. This scheme enables employers to obtain financial assistance to send PWD employees for training to gain the necessary skills and knowledge to enter the workforce. This initiative complements the earlier implemented Job Coach Programme for PWDs.

118. The Ministry of Education (MOE) achieved 30.24% of SEN enrolment in Inclusive Education Programme in 2016. As of 2017, there were 4,308 primary schools and 2,002 secondary schools in the system providing education to all categories of SEN students. About 40.88% students with special needs study inclusively in primary and secondary

schools nationwide. The project has now been expanded to 44 schools and is expected to include more schools until 2025.

119. The Inclusive Pedagogy Implementation Guide was developed in 2016 to assist mainstream teachers and special education teachers to carry out their teaching and learning sessions for SEN students in inclusive classrooms. The guide included information on the characteristics of different categories of disability, specific teaching and learning methods for SEN students, as well as other support services such as therapies, learning accommodations and special learning tools.

120. Various initiatives such as School in Hospitals and Special Education Service Centre were introduced to cater to SEN students' needs. A pilot project called TASKA OKU was also implemented for 6 categories of children with disabilities i.e. Down syndrome, autism, vision, hearing, physical and learning disabilities. Establishment of TASKA OKU is expected to provide opportunities to children with disabilities as well as to ease the burden of low-income families to get early care and quality children education.

121. The Government is also implementing Community Based Rehabilitation Programme on early intervention and rehabilitation at 544 centres throughout the nation for PWDs.

122. An IT and Multimedia programme named "PDKNet" was also developed to assist in the rehabilitation of PWDs as well as increase the knowledge and skills of PWDs to operate a computer software programme.

123. The Government had also prepared the Universal Design Planning Guideline to support the promotion and protection of the rights of PWDs. The guideline outlines the needs for planning of facilities and designing the urban environment that focuses on providing barrier free facilities particularly for PWDs.

124. The need to provide facilities for PWDs is stipulated under section 34A of the Uniform Building By-Laws (UBBL), 1984 (Amendments) (1990) and all States in Malaysia, including the Federal Territories, have implemented the measures to provide such facilities for PWDs.

125. MKBOKU continues to provide input and advice to the Government on issues related to health and disabilities. To that end, the Government has implemented the Plan of Action on Health Care for Persons with Disabilities 2011-2020, aiming to improve and maintain the health of PWDs by providing equal opportunities for healthcare at all levels.

E. Foreign workers, refugees, asylum seekers and TIP

Efforts to combat human trafficking
(Recommendations 131,132,133,137,141,142)

126. Malaysia's efforts in combating TIP was recognized internationally when Malaysia was upgraded to Tier 2 in the United States TIP Report 2017. In its effort to strengthen cooperation between agencies in investigations, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM) Task Force was established in 2017. It comprises the Royal Malaysia Police (RMP), Immigration Department Malaysia, Malaysian Maritime Enforcement Agency, Departments of Labour, Royal Malaysian Customs, Attorney General's Chambers and National Security Council.

127. In the area of prosecution, conviction numbers have increased from 7 in 2015 to 147 convictions in 2017.

128. In addition, Malaysia has improved its initiatives by involving NGOs in the aspect of care and protection of victims of trafficking (VOT) following the amendments to ATIPSOM in 2015. The amendments, among others, include the establishment of a High Level Committee chaired by the Minister of Home Affairs, the payment of compensation, allowances as well as the permission to move freely and to work for VOT. Further, the amendments have paved the way for any person, other than a public officer, to be appointed as a Protection Officer by the Minister. Referring to the allowance mentioned above, the

ATIPSOM (Payment of Allowance to Trafficked Persons) Regulations 2017 came into force on 1 March 2017.

129. Several capacity building programmes were conducted in-house and in collaboration with foreign strategic partners and international organisations such as ASEAN, United Nations Office on Drugs and Crime, International Organisation for Migration (IOM) and Australia-Asia Program to Combat Trafficking in Persons.

130. As part of the continuous effort to address TIP, the Government established special courts in March 2018 to deal with TIP cases. It is presided by senior Session's court judges with at least 25 years of experience in the judicial and legal service.

131. In terms of law enforcement and anti-trafficking and smuggling management, the Malaysian Border Security Agency Act 2017 that came into force on 29 December 2017 was enacted to secure the Malaysian land border against any smuggling activities or other illegal activities.

Protection of women and children while combating human trafficking (Recommendations 134,135,138,139,140,143)

132. Malaysia invited the UN SR on trafficking in persons, especially women and children, Ms. Maria Grazia Giammarinaro to Malaysia from 23 to 28 February 2015. In her report, she recommended Malaysia to focus more on other forms of trafficking such as labour exploitation. She supported the amendment to the ATIPSOM and believed that Malaysia was heading in the right direction with the victim-centred approach.

133. The Government established 7 shelters for VOT i.e. 4 for women, 1 for men and 2 for children. The Government also ensured that the VOT were well informed of their rights of access to diplomatic missions and counsellor representatives of their respective States. These government shelters have welcomed the co-operation with NGOs in the management of VOT to ensure that their welfare is protected. They provided support such as counselling, psycho-social activities and informal education.

134. To further support NGOs towards a greater role in providing protection for VOT, the Government provided financial assistance to NGOs with shelter homes of their own to manage the VOT. This exercise reflected the Government's continuous commitment to work together with NGOs.

135. The Government also provided physical, psychological and social reintegration assistance, such as shelter, counselling and information, medical, psychological and allowance and employment and basic skill training opportunities.

Cooperation and sharing of experience in combatting human trafficking (Recommendation 136)

136. The Government participated in several workshops and meetings at the regional and international level such as the Expert WG in formulating the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which was signed during the 27th ASEAN Summit on 21 November 2015. Malaysia subsequently ratified ACTIP on 7 September 2017.

137. Malaysia also continued to establish extensive networking with inter-governmental and inter non-governmental agencies such as the Homeland Security Investigation and Department of Justice of the USA by participating in Workshops on Combatting TIP and Smuggling of Migrants.

138. There have been several engagements carried out in cooperation with international organisations such as the International Justice Mission, Médecins Sans Frontière and IOM. The components of such engagements include sharing of experiences and best practices.

139. Malaysia and all ASEAN Member States (AMS) are parties to the Treaty on Mutual Legal Assistance in Criminal Matters (among like-minded AMS) to combat transnational crime in all its forms with close working relationship among the law enforcement fraternity of the region.

Protection of the rights of migrant workers
(Recommendations 217,218,222, 223,224)

140. The Government is adamant in ensuring that the rights and welfare of workers are protected by ensuring that all workers receive equal protection in terms of their rights and welfare as stipulated under Malaysian labour laws such as the Employment Act 1955, Industrial Relations Act 1967, Trade Unions Act 1959, National Wages Consultative Council Act 2011, Workers' Minimum Standards of Housing and Amenities Act 1990 and ATIPSOM.

141. The Government had also taken the following steps:

(a) Signed bilateral arrangements on the employment of foreign workers with source countries;

(b) Introduced a standard contract of employment for all foreign workers;

(c) Required all employers to obtain insurance coverage for foreign workers under the Foreign Workers Compensation Scheme and the Foreign Workers Health Insurance Protection Scheme; and

(d) Ensured that foreign workers have possession of their identification documents such as passports to enable their free movement in the country.

142. The Private Employment Agencies Act 1981 governs all private employment agencies whereby Section 28 (2)(b) of the Act imposes a fine not exceeding RM250,000 for the contravention or failure to comply with provisions of any regulations made under this Act. It is also pertinent for the private employment agencies in the source countries to prevent imposition of exorbitant fees on the workers prior to being recruited to work in Malaysia which may lead to debt bondage.

143. Furthermore, all documented foreign workers who are employed in Malaysia are accorded minimum wages, benefits and legal protection as provided for under domestic laws. This is further entrenched under Article 8(1) of the Constitution whereby the rights and equal protection of all persons are guaranteed. All foreign workers also have the right to full access to justice, to any legal remedies provided by the law and are entitled to legal aid services such as stipulated under the judiciary's Court Assigned Council Scheme.

144. Beginning 1 January 2018, the Government introduced an online-based system for Malaysians to directly hire existing foreign domestic workers from selected source countries without going through the services of recruitment agencies, thus, reducing the financial burden on parties concerned, minimizing the risk of debt bondage and ensuring that the rights and protections for foreign domestic workers, including enforcement of standard employment contract and proper health and occupational accident coverage in accordance with the existing labour laws.

Management of refugees and asylum seekers
(Recommendations 226, 227)

145. While not being a State Party to the United Nations Convention relating to the Status of Refugees 1951, the Government provided temporary refuge to refugees and asylum seekers and continues to cooperate with the United Nations High Commissioner for Refugees (UNHCR) to manage these issues on humanitarian grounds.

146. Those who possess identification cards issued by the UNHCR Representative in Malaysia have access to local healthcare facilities, where they can seek medical treatment at any local healthcare institution ranging from outpatient and inpatient treatment, emergency up to maternal and child healthcare services. Under this arrangement, the rate charged is 50% less than the rate stipulated for foreigners under the Fees Act 1951 (Act 209). This also applies to vaccination for children of UNHCR card holders. ALCs that are registered under the MOE are allowed to provide education to children of UNHCR card holders in Malaysia (on a case to case basis).

147. Malaysia also participated in the New York Declaration on the Global Compact on Refugees and its commitments which among others, included: (i) support the human rights

protection of all refugees and migrants, regardless of the status; (ii) support those countries rescuing, receiving and hosting large numbers of refugees and migrants; and (iii) find new homes for all refugees identified by UNHCR through resettlement to third countries.

148. In 2016, a Joint Task Force between the Government and the UNHCR was established to provide closer cooperation and information sharing to address the challenges on migration management issues in Malaysia. Under this task force, Technical Working Groups headed by the relevant agencies/unit from both parties were created to tackle specific issues under their purview.

F. National mechanisms on human rights

National Human Rights Action Plan (NHRAP)
(Recommendation 57)

149. The Government launched the NHRAP[22] in March 2018 with the aim to achieve institutional and legislative reforms as well as raise awareness and cultivate a strong culture of human rights in the country. It is also to serve as a roadmap to safeguard and enhance the promotion and protection of human rights in Malaysia.

150. Other objectives include:

(a) To provide guidelines for government officials, NGOs, professional bodies, academia and civil society in carrying out their responsibilities to ensure human rights are safeguarded;

(b) To empower relevant human rights-related agencies on issues related to human rights;

(c) To promote ratification of international human rights treaties in accordance with the Constitution and to assist the Government in monitoring the country's involvement in international obligations;

(d) To promote human rights sensitivity; and

(e) To emphasize the aspect of human rights in the country's development.

151. NHRAP consists of 5 pillars namely Civil and Political Rights; Economic, Social and Cultural Rights; Rights of Vulnerable Groups; Rights of the Indigenous Peoples and Natives of Sabah and Sarawak; and International Obligations. Formulation of the NHRAP involved consultation with stakeholders both within and outside the Government.

National Human Rights Commission
(Recommendations 51, 52, 53, 54, 55, 60)

152. SUHAKAM has undertaken various efforts in discharging its role as the National Human Rights Institution (NHRI) to promote and protect human rights in Malaysia. The Government continues to cooperate with SUHAKAM in identifying and addressing issues related to human rights in the country as both parties share similar objectives in ensuring the rights of the citizens are protected and upheld. SUHAKAM has provided valuable inputs on human rights issues and extended its support to the Government throughout the development phase of the NHRAP.

153. In 2016, SUHAKAM organised a roundtable discussion (RTD) on the Establishment of NHRIs in Southeast Asian countries. The RTD was intended to encourage AMS that have yet to establish an NHRI to do so, as well as to promote the strengthening of existing ones.

G. General recommendations, international cooperation, human rights education and training, national unity and social cohesion

Promotion and protection of human rights (Recommendations 58, 59)

154. The Government established a National Integrity and Governance Department under the Prime Minister's Department. Its objective was to ensure transformation in the civil service in terms of good governance, integrity and human rights compliance. The Department monitors, coordinates and addresses human rights issues through collaborations with private sectors including statutory bodies and civil societies. The establishment of this department is a testament to the Government's commitment in addressing human rights issues in an institutionalized, systematic and holistic manner.

Human rights education (Recommendations 74, 75, 78)

155. The MOE and SUHAKAM embarked on the Human Rights Best Practices Programme (HRBPS) in 222 schools to cultivate an attitude of respect and responsibility to human and children's rights. The programme was also introduced to encourage students and teachers to be aware and sensitive to the issues of human and children's rights in the planning and implementation of activities in school.

156. In the formal curriculum, human rights elements are grouped and incorporated into themes, issues, perspectives and approaches in subjects such as Moral Education, History, Economics, Geography, Literature, Languages, Arts, Civics and Citizenship while co-curricular activities include:

(a) The establishment of human rights club;

(b) Organising human rights festival/activities;

(c) Holding of commemorations or other events to mark specific international or national days related to human rights;

(d) Campaign against bullying, harassment or violence in the school or the community; and

(e) Adoption of social service programme with a human rights focus for the surrounding community.

157. In 2016, the MOE, in collaboration with SUHAKAM held the HRBPS Awards in recognition of participating schools nationwide. In 2017, the MOE and SUHAKAM executed a Training of Trainers workshop for primary and secondary school teachers to develop modules on Human Rights Education.

158. The Government together with SUHAKAM have also conducted education and capacity building programmes at tertiary education institutions to enhance the knowledge of university lecturers and students on fundamental human rights and the responsibilities entailed. Human rights education and training is also extended to law enforcement officers from RMP, People's Volunteer Corps (RELA), prison officials and local authorities.

National unity and social cohesion (Recommendations 87, 88, 89, 90, 91, 92, 93,154)

159. At the national, regional and international level, Malaysia continued to promote educational and reconciliatory dialogue as part of its efforts to advance the values of moderation, tolerance and mutual respect between and among societies, cultures and religions. The Institute of Islamic Understanding Malaysia conducted "dialogues of life" session which discussed issues from the religious perspective. This approach in facilitating dialogue among various religious bodies is viewed as a form of partnership to promote interaction between different religions and faiths.

160. In the spirit of peaceful conflict resolution, an Interreligious Mediation Certification Training module was developed in collaboration with the International Islamic University

Malaysia. The objective of the course was to enable the participants better understand the various religions in the country and to address the growing need for conflict resolution in interreligious issues.

161. A series of engagement through RTDs were also conducted with all stakeholders, in particular with community-based and religious institutions to foster a shared sense of responsibility for building a more moral and ethical society as well as to contain the menace of racism, extremism and religious bigotry among Malaysians. This includes the RTDs such as the "Roles of Youth in Interfaith Understanding", which involved the Committee for the Promotion of Inter Religious Understandings and Harmony Among Adherents; Friendship Group for Interfaith Services; Buddhist Missionary Society Malaysia; and Muslim Youth Movement of Malaysia.

162. The Government also provided training on the peace-making process to community leaders which emphasized on the technique of Community Mediation. Currently, 1208 Community Mediators have been trained with the required skills and have been accredited to mediate in conflict resolution process.

163. The values of moderation was also introduced and promoted in 2010 to counter extreme and radical ideas which gave rise to hatred, bigotry and other elements of extreme behaviour.

International cooperation to promote and protect human rights (Recommendations 231, 232)

164. SUHAKAM is a member of the Asia Pacific Forum of NHRIs which focuses on supporting the establishment and strengthening of NHRIs in the region through programmes and activities such as trainings and workshops on thematic human rights issues and the development of manuals for NHRIs.

165. SUHAKAM is also a member of the Commonwealth Forum of National Human Rights Institutions, an international network of NHRIs that seek to promote the sharing of information, experience and practices among member institutions and encourages Commonwealth countries to establish the Paris Principles-compliant NHRIs and assists NHRIs to fulfil their mandated activities.

166. Apart from the above, SUHAKAM is also actively engaged in the Southeast Asia NHRIs Forum (SEANF), an independent sub-regional human rights forum, which comprises 6 NHRIs in Southeast Asia, namely from Indonesia, Malaysia, Myanmar, Thailand, the Philippines and Timor-Leste. The objective of SEANF is to organise itself as a regional mechanism for the effective promotion, protection and fulfilment of human rights in the Southeast Asia region. The SEANF recently adopted its 2017-2021 Strategic Plan, outlining its thematic areas of focus for its work for the coming 5 years.

167. SUHAKAM has also maintained regular engagement with Malaysia's representative to ASEAN Intergovernmental Commission on Human Rights (AICHR) and collaborates with AICHR Malaysia in co-organising programmes, such as:

(a) AICHR Regional Workshop on the Role of Youth in Promoting Human Rights in ASEAN, October 2015, Kuala Lumpur;

(b) AICHR Workshop on the Role of the Media in Promoting Human Rights, May 2016, Kuala Lumpur; and

(c) AICHR Judicial Colloquium on Sharing of Good Practices regarding International Human Rights Law, March 2017, Kuala Lumpur.

Notes

[1] This was an increase to 64.6% of the accepted recommendations compared to the first UPR held in 2009 where Malaysia accepted 62 out of a total of 103 recommendations.

[2] The present Report has been prepared in accordance with the provisions contained in A/HRC/RES/5/1, A/HRC/RES/16/21, A/HRC/DEC/17/119 and other relevant guidelines for the UPR

process.

[3] The eight visits received were from: i. Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression (1998); ii. Independent Expert on the right to development (2001); iii. SR on the right to education (2007); iv. WG on Arbitrary Detention (2010); v. SR on the right to food (2013); vi. SR on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2014); vii. SR on trafficking in persons (TIP), especially women and children (2015); and viii. SR in the field of cultural rights (2017).

[4] The Chief Judge or any Judge nominated by the Chief Judge.

[5] On 5 May 2017, the Federal Court of Malaysia was admitted as the 107th member of the World Conference on Constitutional Justice (WCCJ) and officials attended the 4th Congress of WCCJ on 11–14 September 2017 at Vilnius, Lithuania which discussed issues on constitutional review including human rights cases, law as a key element for democracy, the protection of human rights and the rule of law.

[6] In the economic, social and cultural spheres, these programmes are formulated with the people as the centrepiece of all development efforts, reinforcing the Government's commitment to bring further development to the people by enriching their lives, providing people dignity, and uplifting their potential to partake in the prosperity generated.

[7] As of 2017, 84,490 units of the Public Housing Programme were completed while 24,662 units are under construction.

[8] This is done through capacity and capability building, education, entrepreneurship and special programmes for the targeted groups. Various monetary and non-monetary initiatives are also implemented based on the needs regardless of ethnicity, gender, socio-economic status and geographic location.

[9] Skills such as baking, culinary, retailing, motor vehicle repairs and early childhood education.

[10] Under the 11th MP, the Government has allocated RM150.66 million to *Program Khas Anak Negeri* (PKAN) Sabah encompassing programmes and projects for the construction of native courts, capacity building and native customary land survey programme. Besides that, the Sabah State Government has implemented the *Mini Estet Sejahtera* (MESEJ) programme to uplift the income of natives in rural areas through commodity plantation, agriculture, livestock and cash crops plantation. It is designed that the participants of MESEJ programmes will work, re ive salary and dividend from the outputs of the programme. Similarly, the Government has allocated RM200 million for *Program Khas Bumiputera* (PKB) Sarawak under the 11th MP. The allocation channelled is for the implementation of various programmes and projects involving economic development, rural basic infrastructure development, native courts, capacity building and native customary land survey programmes.

[11] Cumulatively, since the 10th MP, a total of 827,813 hectares of land has been surveyed in Sarawak, while a total of 67,805.92 hectares of land has been surveyed in Sabah.

[12] Through the 10th MP, the Government has improved access to quality healthcare services by upgrading healthcare infrastructure, enhancing the capacity of healthcare personnel, promoting healthy lifestyles, and extending nationwide preventive care programmes. Under the 11th MP, the Government is striving to accelerate efforts to achieve universal access to quality healthcare by targeting under-served areas, and increasing capacity of both facilities and healthcare personnel.

[13] In the 11th MP, at least 121 infrastructure projects, including primary health care facilities, have been planned.

[14] These initiatives include 1Malaysia Clinic, 1Malaysia Mobile Services, *Orang Asli* Mobile Services, Family Doctor Concept, Pharmacy Information System, extended clinic hours, drive-through and postal pharmacy.

[15] This programme has benefited 6,614 senior citizens and 1,740 PWDs with the involvement of more than 2,400 volunteers.

[16] Under the 11th MP, 5 mobile services were added to the existing 10 services making LPPKN's mobile services available throughout Malaysia.

[17] NSPEA has been endorsed as the country's blueprint to combat HIV outlining the fast track activities to be achieved by 2020 and long-term activities by 2030.

[18] 1,061 health clinics and 143 hospitals inclusive of other government hospitals that are not under the purview of the MOH.

[19] The initiatives include: i. setting up 11,215 pre-schools and 499 day-care centres which are mostly located in the rural areas and to provide an opportunity to rural children including indigenous children to be introduced to early childhood learning. The fee is minimal, between RM10 to RM120 per annum, as it is subsidised by the Government; ii. continuous outreach programmes in collaboration with various agencies, including NGOs, to reduce school drop outs and out of school children; iii. revision of the policy on compulsory education from 6 to 11 years of schooling to encourage more students to stay in school and ensure that they obtain a secondary level certificate upon leaving the education system; iv. expansion of opportunities for students including SEN students to enrol in

Technical and Vocational Training and Education schools and colleges; and v. post-secondary education pathways such as Form 6, Pre-University, Matriculation and foundation programmes.

[20] For non-Muslim marriages, the minimum age for marriage is 18 years. However, the Chief Minister may, in his discretion, grant a licence authorizing the solemnization of a marriage of a female who is under the age of 18 years if she has completed her 16th year as provided for under section 10 and subsection 21(2) of the Law Reform (Marriage and Divorce) Act 1976 (LRA). For Muslim marriages, the minimum age for marriage is 18 years for male and 16 years for female. However, if they wish to marry below that minimum age, they must obtain permission in writing from the Syariah Judge as provided for under section 8 of the Islamic Family Law (Federal Territories) Act 1984 and other States' Islamic Family Law Enactment/Ordinance.

[21] Section 37 of LRA reads: Any person who uses any force or threat – (a) to compel a person to marry against his will; or (b) to prevent a person who has attained the age of twenty-one years from contracting a valid marriage, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand ringgit or to both.

[22] NHRAP is a public document that takes a systematic approach in advancing human rights by placing it in the context of public policy.